

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
REJECTION OVER A PENDING APPLICATION**Docket Number (Optional)  
38-21(52743)B

In re Application of: Jindong, Sun et al.

Application No.: 10/783,710

Filed: February 21, 2004

For: Transgenic Plants

The owner\*, Monsanto Technology, LLC, of 100% percent interest in the instant application hereby disclaims, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application No. 10/870,198, filed on June 16, 2004 as such term is defined in **35 U.S.C. 154** and **173**, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner of the instant application waives the right to separately enforce any patent granted on the instant application and any patent granted on the reference application. The owner of the instant application hereby agrees that any patent granted on the instant application and any patent granted on the reference application shall be enforceable only for and during such period that the instant application and the reference application are not separately enforced. The waiver, and this agreement, run with any patent granted on the instant application and any patent granted on the reference application, and are binding upon the owner of the instant application, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in **35 U.S.C. 154** and **173** of any patent granted on the reference application, "as the term of any patent granted on the reference application is presently shortened by any terminal disclaimer," in the event that any patent granted on the reference application later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 56,991



Signature

August 11, 2009  
DateCharles P. Romano  
Typed or printed name314-552-6255  
Telephone Number

- ☒ Terminal disclaimer fee of \$65.00 under 37 CFR 1.20(d) is included. The Commissioner is hereby authorized to charge Deposit Acct. No. 200823 for this fee. A duplicate copy of this document is included for that purpose.

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